Reset Form

Death Benefit Claim Request
401(k) Plan

Refer to the Death Benefit Claim Guide while completing this form. Use blue or black ink only.

State of Tennessee 401(k) Plan — 98986-02

Decedent's Information

Last Name | First Name | MI

Social Security Number

City, State and Country of Legal Domicile at Time of Death

Account Extension (if applicable)

Mo Day Year — Date of Birth

Mo Day Year — Date of Death

Claimant's Information

Last Name | First Name | MI

Specify Claimant's relationship to the decedent:

Address - Number & Street

Has this account already been transferred to the Claimant? ☐ Yes ☐ No

City | State | Zip Code

Is Claimant a U.S. citizen or resident alien? ☐ Yes ☐ No

Home Phone | Work Phone

Mo Day Year — Date of Birth

Is Claimant a minor? ☐ Yes ☐ No
If yes, complete information below regarding minor's representative.

Minor's Representative Information

Relationship to Minor

Last Name | First Name | MI | Address - Number & Street

City | State | Zip Code

Tax Identification Number

If Claimant is an individual, provide the Social Security number. If Claimant is not an individual, such as a trust or estate, provide the taxpayer identification number ("TIN").

Social Security Number | Taxpayer Identification Number

Type of Claim (check all that apply) Effective Date ____________

☐ **Leave Funds in the Account** (Subject to minimum distribution rules and Plan document provisions)

- ☐ Spousal Beneficiary
- ☐ Non-spousal Beneficiary

☐ **Full Distribution of Claimant's Share**

☐ **Periodic Payment of Claimant's Share**

Payment Start Date ____________ Frequency: ☐ Monthly ☐ Quarterly ☐ Semi-Annually ☐ Annually

- ☐ Payment of an Amount Certain $__________________
- ☐ Payment for a Period Certain (Years) ____________
- ☐ Required Payment Based Upon Claimant's Life Expectancy (available only to individual Claimants)

☐ **Annuity Purchase With Another Provider -** Name of Provider ______________________________

Last Name | First Name | MI   Social Security Number

☐ **Direct Rollover** - Provide company information below.

Amount $__________________

☐ Direct Rollover to an Eligible Plan/Traditional IRA (Spousal Claimants Only): ☐ Governmental 457(b) ☐ 401(a) ☐ 401(k) ☐ 403(b)
☐ Traditional IRA

☐ Direct Rollover to an inherited IRA (Non-Spousal Claimants may only elect a direct rollover to an inherited IRA)

Company Name   Account Number

Mailing Address

City/State/Zip Code   Phone Number

If you are a Claimant requesting a full withdrawal as a direct rollover and the minimum distribution requirements have not been met, provide the amount of your required minimum distribution below. Note: The required minimum distribution cannot be rolled over. If you have not yet satisfied the minimum distribution requirements for the year, your required amount must be distributed prior to processing a rollover.

Required minimum distribution amount $__________________

Do you wish to have 10% federal income tax withheld from your required minimum distribution? ☐ Yes ☐ No

Additional amounts may be withheld at your request $__________________

Claim Delivery

☐ **Check** ☐ Mailing Address -

☐ **Express Delivery** - $25.00 non-refundable charge - Not available for periodic payments. Express delivery available Monday through Friday only. Not available to P.O. boxes.

☐ **ACH** - Available on periodic payments at no charge. Available on one-time full/partial distribution payment to self for a $15.00 non-refundable charge.

☐ Checking Account - must attach preprinted voided check

☐ Savings Account - must attach preprinted voided deposit slip

Financial Institution Name   Account Number   ABA Routing Number

Financial Institution Mailing Address   City   State/Zip Code

Federal and State Income Tax Withholding

Federal Income Tax - No federal income tax will be withheld from direct rollovers. Twenty percent (20%) mandatory federal income tax withholding will apply to all distributions to spousal Claimants that are eligible for rollover, but are not rolled over. For all other payments to spousal Claimants and payments to non-spousal Claimants, federal income tax will be withheld at the rate of 10%, unless Service Provider is directed otherwise below.

☐ Do NOT withhold federal income tax from Claimant's distribution.

If Claimant would like **additional** federal income tax withheld, indicate amount $__________________ or ____________% of the claim amount.

If Claimant is electing a periodic payment for a period certain of 10 years or longer or for his/her life expectancy, he/she may complete and attach IRS Form W-4P. You may obtain a Form W-4P at http://www.irs.gov.

State Income Tax - For all Claimants, if Claimant lives in a state that mandates state income tax withholding, it will be withheld.

☐ Check here if Claimant lives in a state that does not mandate state income tax withholding and would like state income tax withheld.

If Claimant would like **additional** state income tax withheld, indicate amount $__________________ or ____________% of the claim amount.

If this section is not completed, state income tax will not be withheld unless the decedent resided in a state that mandates income tax withholding. Tennessee does not currently have a state income tax, so no state tax will be withheld if you live in Tennessee.

Last Name	First Name	MI	Social Security Number

Required Signatures and Date

Any person who knowingly presents a false or fraudulent claim is subject to criminal and civil penalties.

My signature acknowledges that I have received, read, understand and agree to all pages of the Death Benefit Claim Request form, the Death Benefit Claim Guide and the Special Tax Notice, and affirms that all information I have provided is true and correct. I understand that funds may impose redemption fees on certain transfers, redemptions or exchanges if assets are held less than the period stated in the fund's prospectus or other disclosure documents. I will refer to the fund's prospectus and/or disclosure documents for more information.

Claimant Signature ______________________ **Date (Required)** __________ **Title if you are acting in a representative capacity** ______________________

Statement of Notary **SEAL**

State of ______________)
) ss.
County of ______________)

The above election was subscribed before me by ______________________ on this ________ day of ________________, year ________, who affirmed that such election represents his/her free and voluntary act.

Notary Public ____ My commission expires ___________

This request is in compliance with the terms of the Plan and I have provided the Claimant with a written explanation of the tax rules and any other Internal Revenue Service, Department of Labor or other notice requirements to the Claimant that apply to this request and the appropriate consent and waivers have been obtained by the Plan Administrator and Service Provider is authorized to rely on the information on this request. I hereby instruct Service Provider to process and forward the distribution described on this form. I hereby verify that the above Claimant is a named beneficiary under the Plan. **If Claimant is one of multiple beneficiaries with respect to the decedent, then the above Claimant is entitled to ____________% of the total benefits payable in respect of the decedent.**

I understand that a certified death certificate is required for processing this death benefit.

Great-West Retirement Services® Representative Signature ______________________ **Date** __________

Claimant forward to Service Provider at:
Great-West Retirement Services®
545 Mainstream Drive, Suite 407
Nashville, TN 37228
Phone #: 1-800-922-7772
Web site: www.treasury.state.tn.us/dc

Death Benefit Claim Guide

401(k) Plan

This Guide will assist Claimant in completing the Death Benefit Claim Request form (the "Form") for Internal Revenue Code ("Code") section 401(k) plans. Claimant should read all pages of this Guide before Claimant begins to complete the Form. The Guide will assist Claimant in completing each section of the Form and give Claimant the information Claimant needs to make informed decisions regarding his or her claim. If Claimant needs further clarification about the information discussed in this Guide, call a representative at Claimant's local Service Provider. Claimant can also call KeyTalk® to speak with a service representative.

Claimant is strongly urged to consult with an accountant and/or tax advisor in the preparation of the Form. While our representatives are able to explain Claimant's options to Claimant, they cannot tell Claimant which payment and tax-withholding method is best for Claimant. Claimant's local representative or any Service Provider representative will not provide tax or legal advice. Additionally, neither this Guide nor the Form represents tax or legal advice.

Please note that Great-West Retirement Services® ("Service Provider") cannot release the claim until the Great-West Retirement Services® Representative confirms that Claimant is a named beneficiary under the Plan and is otherwise entitled to assert a claim.

Waivers or Consents of Inheritance and Estate Taxes - Certain states require Service Provider to obtain waivers or consents from the state's Department of Revenue or Taxation before Claimant is able to assert a claim. If the decedent lived in a state that requires this waiver, Claimant MUST attach the waiver to the Form at the time the Form is submitted to Service Provider. It is Claimant's responsibility to ensure that the decedent's state of residence does not require any form of waiver or consent.

Additionally, certain states require that Service Provider provide notice to the state that a distribution will be made to a Claimant. If the decedent's state of residence requires a notice of distribution, Service Provider will so notify the appropriate state department.

Service Provider is required to comply with the regulations and requirements of the Office of Foreign Assets Control, Department of the Treasury ("OFAC"). As a result, Service Provider cannot conduct business with persons in a blocked country or any person designated by OFAC as a specially designated national or blocked person. For more information, please access the OFAC Web site at: http://www.ustreas.gov/offices/eotffc/ofac.

The Form - The Form is divided into several sections, with each section requiring Claimant to provide specific information.

The sections on the Form are:

- Decedent's Information
- Claimant's Information
- Minor's Representative Information
- Tax Identification Number
- Type of Claim
- Direct Rollover
- Claim Delivery
- Federal and State Income Tax Withholding
- Required Signatures and Date

Note: If there is more than one account or plan number, Claimant must complete a separate Form for each account or plan number.

Incomplete or Inaccurate Information - In the event that any section of the Form is incomplete or inaccurate, Service Provider may not be able to process the claim requested on the Form. Claimant may be required to complete a new Form or provide additional or proper information before his or her claim will be processed.

Changes to Claimant's Request - If Claimant makes a change to the Form as Claimant is completing it, Claimant must cross out any previously elected choice(s) and initial all changes. If Claimant does not initial all changes, the Form may be returned to Claimant for verification.

Self-Directed Brokerage ("SDB") Account Notice - If the decedent had an SDB account, Service Provider will contact the SDB provider to transfer the funds to the core investments (non-SDB investments) before Service Provider can process the claim.

The Form

Note: Please use blue or black ink when completing the Form.

Decedent's Information

Last Name, First Name, MI - The decedent's full name is required in order to properly identify the account.

City, State, and Country of Legal Domicile at Time of Death - This information is required in order for the claim to be properly filed and tax reported.

Social Security Number - The decedent's Social Security number is required to properly identify the account and report any applicable withholding information to the Internal Revenue Service.

Account Extension - The account extension identifies funds that were transferred through a divorce or death. If an account extension has been issued, but this field is blank, Service Provider will return the Form.

Date of Birth - The decedent's date of birth is required to properly process the claim.

Date of Death - The decedent's date of death is required to properly process the claim.

Claimant's Information

Last Name, First Name, MI - The full name of Claimant is required in order to properly process the claim.

Address - Number & Street
City, State, Zip Code - This information is required in order to properly process the claim.

Home Phone, Work Phone - This information will allow Service Provider to contact Claimant if necessary regarding the claim.

Specify Claimant's Relationship to the Decedent - Claimant's relationship to the decedent is required in order to properly process the claim.

Transfer to Claimant - Indicate whether the account has already been transferred to Claimant.

Is Claimant a U.S. Citizen or Resident Alien? - Federal and state income tax reporting is based on residence status.

Date of Birth - Claimant's date of birth is required to properly process the claim.

Is Claimant a Minor? - If the answer to this question is yes, complete the next section on the Form regarding the minor's representative information.

Minor's Representative Information

This section must be completed if Claimant is a minor. All correspondence and claims will be addressed to the minor's representative for the benefit of Claimant.

Payments may be made to a guardian of a minor's estate or a conservator who has been appointed as such for the minor by final judicial order. A copy of the court order must be submitted to Service Provider with the completed Form.

Under the Uniform Transfers to Minors Act, if a guardian or conservator has not been appointed by an appropriate court, certain states allow funds to be transferred to a custodian for the minor who is an adult member of the minor's family. In general, transfers under this law may not be made if a state has not adopted it, or the proceeds exceed a specified dollar amount under the state's statutory law. Payments cannot be made to a person solely because he/she is the parent of the minor or has custody of the minor unless a state law in the minor's state of residence specifically authorizes such payment, a proper court order authorizing payment has been obtained or the Plan Document allows for such payment.

It is Claimant's responsibility to determine whether and to what extent the Uniform Transfers to Minors Act has been adopted in his or her state of residence.

If Service Provider is unable to make payment because a guardian or conservator has not been appointed by final judicial order, or a state law where the minor resides or the Plan Document does not authorize payment to a custodian or other person, the proceeds must remain in the decedent's account until the minor reaches the age of majority.

Tax Identification Number

Provide a complete and correct tax identification number for Claimant on the Form. If Claimant is an individual, provide the individual's Social Security number. If Claimant is a trust or estate, generally a taxpayer identification number ("TIN") must be provided. In cases of a trust Claimant, a Social Security number may be appropriate if the grantor is living and is also the trustee.

Payments may be made to a personal representative appointed by an appropriate final judicial order. Personal representatives must provide a TIN for the decedent's estate. If a personal representative has not been appointed by an appropriate court because the value of the estate is small, certain states will allow certain successors of the decedent to submit a small estate affidavit allowing them to receive payment. In such cases, only one affidavit containing the notarized signatures of all successors should be submitted to Service Provider. If appropriate documentation is not submitted, Service Provider may be unable to make payment. Claimants should obtain and submit appropriate documentation to Service Provider on a timely basis to avoid penalties and taxes.

Type of Claim

It is Claimant's responsibility to ensure that the distribution method and effective date selected meet the requirements of the Internal Revenue Code and applicable federal Treasury regulations.

Effective Date - The effective date of the claim will be the later of the date selected as the effective date and the date Service Provider receives a properly completed Form.

Leave Funds in the Account - If the decedent died prior to his or her required beginning date, Claimant can elect to leave the funds in the Plan until distributions are required to begin. You should refer to your 402(f) Notice of Special Tax Rules on Distributions for additional information about minimum distribution requirements.

If the decedent died after his or her required beginning date, Claimants may not select the Leave Funds in the Account option.

By selecting this type of claim, Claimant understands that a recordkeeping account will be set up under Claimant's name. All existing monies will remain in the same investment option(s) in effect on the date of the decedent's death. Spousal Claimant will have the option of transferring the monies to other investment options by visiting the Web site at www.treasury.state.tn.us/dc or by calling KeyTalk®. However, some investment options may not be available for transfer. Spousal Claimant may not make any additional deposits to this account.

Claimant must also complete a Beneficiary Designation form. Claimant may obtain this form by contacting his or her local Service Provider representative.

Full Distribution of Claimant's Share - Check this box if Claimant wants a full distribution of his or her share of the account. The full vested value of each investment option will be distributed based on the instructions on the Form. Service Provider will liquidate the funds pro-rata from all available investment options with a balance.

Periodic Payment of Claimant's Share - Claimant must select a payment start date. The payment start date is the date the funds will be distributed from the account. Claimant may choose any day of the month with the exception of the 29th, 30th or 31st. Claimant must also select the frequency of payment - monthly, quarterly, semi-annually or annually. Allow approximately 5 - 10 business days from the payment start date to receive the distribution. It is solely the responsibility of Claimant to ensure that the payment option elected satisfies the minimum distribution requirements.

The Periodic Payment Options Are as Follows:

1. Payment of an Amount Certain - Designate the dollar amount Claimant wishes to receive on a regular installment basis (monthly, quarterly, semi-annually or annually). The payments will continue until the account balance is zero. The number of payments Claimant receives will vary depending on the performance of the underlying investment options.

2. Payment for a Period Certain (Years) - Claimant will receive payments on a regular installment basis (monthly, quarterly, semi-annually or annually). Payment amounts will depend on the length of time in years during which Claimant elects to receive payments, the periodic basis that Claimant chooses, and the performance of the underlying investment options.

   The payment amount will be calculated by dividing the current account balance by the number of remaining payments. For example, if the payout is to be monthly for 4 years, the initial payout amount will be equal to 1/48 of the account balance. The second payment will be 1/47 of the account balance, the third will be 1/46, and so on.

   The payment is recalculated each time a payment is distributed; therefore, the amount of each payment typically differs. The payment amount will vary depending on the performance of the underlying investment options. The balance will be zero by the end of the term selected.

3. Required Payment Based Upon Claimant's Life Expectancy - This payment option is available to individual Claimants only. Claimant will receive payments as required under the federal minimum distribution requirements calculated based upon Claimant's life expectancy.

Direct Rollover

Direct Rollover to an Eligible Plan or IRA - This option is only available to Claimants who are individuals or a trust maintained for one or more designated beneficiaries. Claimant must determine whether the Plan or IRA accepts eligible rollover distributions.

Claimant may not roll over any portion of a distribution equal to the minimum distribution amount required for a particular calendar year that has not been previously paid. Any required minimum distribution amount will be paid out first before the rollover will be processed.

If Claimant is the spouse of the decedent and is requesting a direct rollover, an eligible rollover distribution is paid from the Plan directly to an eligible Code Section 401(a), 401(k), 403(a), 403(b), or governmental 457(b) plan or to a Traditional IRA. Effective January 1, 2008, an eligible rollover distribution may be paid directly to a Roth IRA if you have an adjusted gross income of no more than $100,000.00 and, if you are married, you file a joint return and the combined adjusted gross income for you and your spouse is not greater than $100,000.00. These dollar limitations will be removed on January 1, 2010. If Claimant is not the spouse of the decedent and is requesting a direct rollover, a rollover distribution is paid from the Plan directly to an inherited IRA.

Indicate the dollar amount Claimant wants to roll over and provide the company name, account number, mailing address, city, state, zip code and a phone number for the direct rollover. In the event of an inconsistency between information contained on the Form and any other information provided with the Form, the information on the Form will be used. Once Service Provider has processed a direct rollover, it cannot be reversed. Depending upon the current investment options, certain fees, charges and/or limitations may apply.

If Claimant chooses this type of claim, a Form 1099-R will be issued for reporting purposes; however, no federal income tax will be automatically withheld from amounts directly rolled over.

After-tax contributions in a 401(a)/401(k) plan may be rolled into a 401(a)/401(k) plan, 403(b) plan, or a Traditional IRA, and effective January 1, 2008, to a Roth IRA. After-tax contributions in a 401(a)/401(k) plan, however, may not be rolled over to a governmental 457(b) plan or a Roth IRA. If the decedent had after-tax contributions in the account and Claimant elects a direct rollover to a governmental 457(b) plan, the cost basis of the after-tax contributions will be distributed to Claimant and the investment earnings on the after-tax contributions will be included in the rollover amount.

Claim Delivery

The delivery of the claim may depend on the type of claim elected on the Form. Certain delivery options are not available on all types of claims. Below is a description of each delivery option.

Check - Claimant can receive the claim by check regardless of the distribution method selected on the Form.

Mailing Address - Check this box if Claimant wants the check to be sent to an address other than the address provided on the first page of the Form.

Express Delivery - Express delivery is available for full distributions only. The amount of the claim check will be reduced by $25.00 for this service. Express delivery is available for Monday through Friday delivery only and is not available to P.O. boxes. Delivery is not guaranteed to all areas.

Automated Clearing House (ACH) - Check this box and complete this section only if Claimant wants the check to be electronically deposited into his or her checking or savings account. Claimant may not designate a business account or an IRA. Claimant can select ACH if Claimant selected a periodic payment at no charge or if Claimant is requesting a one-time full/partial distribution payment to self. If you are requesting a one-time full/partial distribution payment to self, your payment amount will be reduced by $15.00 for this service. Complete the financial institution name, account number, ABA routing number, financial institution mailing address, city, state and zip code. For a checking account, you must attach a preprinted voided check. For a savings account, you must attach a preprinted voided deposit slip. If neither one is available to you, you must attach a signed letter from your bank, on their letterhead, that confirms the ABA routing number and your account name and number.

General ACH Information

By choosing an ACH credit to Claimant's financial institution account, Claimant is authorizing Service Provider to initiate credit entries and, if necessary, debit entries and adjustments for any credit entries in error to Claimant's checking or savings account. Claimant is also authorizing Claimant's financial institution, in the form of an electronic funds transfer, to credit and/or debit the same to such account. Service Provider will make payments in accordance with the directions Claimant has specified on the Form until such time that Claimant notifies Service Provider in writing that Claimant wishes to cancel the ACH agreement. Claimant must provide notice of cancellation at least 30 days prior to a payment date for the cancellation to be effective with respect to all of Claimant's subsequent payments.

Service Provider reserves the right to terminate the ACH transfers for any reason and will notify Claimant in the event of such termination by sending notice to Claimant's last known address on file with Service Provider.

It is Claimant's obligation to notify Service Provider of any address or other changes affecting Claimant's electronic fund transfers during Claimant's lifetime. Claimant is solely responsible for any consequences and/or liabilities that may arise out of Claimant's failure to provide such notification.

By selecting an ACH method of delivery, Claimant acknowledges that Service Provider is not liable for payments made by Service Provider in accordance with a properly completed Form. By selecting this method of distribution delivery, Claimant is authorizing and directing Claimant's financial institution not to hold any overpayments made by Service Provider on Claimant's behalf, or on behalf of Claimant's estate or any current or future joint accountholder, if applicable.

Additional Information for Periodic Payments

ACH is a form of electronic funds transfer by which Service Provider can transfer payments directly to Claimant's financial institution. Allow at least 15 days from the date Service Provider receives the properly completed Form to begin using ACH for Claimant's payments. Upon receipt of a properly completed Form, Service Provider will notify the financial institution of the ACH request with the account information provided. The pre-notification process takes approximately 10 days. During the pre-notification process, the financial institution will confirm with Service Provider that the account and routing information submitted is correct and that it will accept the ACH transfer. After this confirmation is received, the payments will be transferred to Claimant's financial institution within 2 days of the first payment date. If the payments are withdrawn from investments that are subject to time delays upon withdrawal, the deposit to Claimant's financial institution may be delayed accordingly. In the event of a change to the periodic payments, the electronic funds transfer may be subject to a delay, and a check will be sent to Claimant's last known address on file with Service Provider.

If Claimant's financial institution rejects the pre-notification, Claimant will be notified and checks will be mailed to Claimant until Claimant submits an Electronic Funds Transfer (ACH) form. As a result, it is important that Claimant continues to notify Service Provider in writing of any changes to Claimant's mailing address.

Federal and State Income Tax Withholding

Federal Income Tax - No federal income tax will be withheld from direct rollovers. Twenty percent (20%) mandatory federal income tax withholding will apply to all distributions to spousal Claimants that are eligible for rollover, but are not rolled over.

For distributions not eligible for rollover, the distribution is subject to federal income tax withholding unless Claimant elects not to have withholding apply. If Claimant elects not to have federal income tax withholding apply to his or her claim or if he or she does not have enough federal income tax withheld from the claim, Claimant may be responsible for payment of estimated tax. Claimant may incur penalties under the estimated tax rules if his or her withholding and estimated tax payments are not sufficient. Check the appropriate box on the Form.

For non-spousal Claimants, federal income tax will be withheld at the rate of 10% if not rolled over, unless Service Provider is directed otherwise. Check the appropriate box on the Form.

State Income Tax - For all Claimants, if Claimant lives in a state that mandates state income tax withholding, it will be withheld. If Claimant wishes to have additional state income tax withheld or if Claimant lives in a state that does not mandate state income tax withholding, Claimant may elect to have an additional amount withheld. Check the appropriate box on the Form.

Income Tax Withholding Applicable to Payments Delivered Outside the U.S.

If Claimant is a U.S. citizen or resident alien and Claimant's payment is to be delivered outside the U.S. or its possessions, Claimant may not elect out of federal income tax withholding.

If Claimant is a non-resident alien, Claimant must attach IRS Form W-8BEN with an original signature. In general, the withholding rate applicable to the claim is 30% unless a reduced rate applies because Claimant's country of residence has entered into a tax treaty with the U.S. and the treaty provides for a reduced withholding rate or an exemption from withholding. To obtain IRS Form W-8BEN, call 1-800-TAX-FORM.

Contact your tax professional for more information.

Outstanding Loan Payoff (if applicable)

If the decedent has an outstanding loan on the account, the outstanding loan balance (principal and interest) will be treated as a taxable distribution and the amount of the distribution will be tax reported to the decedent's estate.

Required Signatures and Date

Claimant must sign and date the Form. Read the disclosure on the Form in this section before signing. By signing the Form, Claimant attests to receiving, reading, understanding and agreeing to all provisions of the Form, the Guide and the Special Tax Notice.

The Great-West Retirement Services® Representative signature is also required. The claim will not be processed without the Great-West Retirement Services® Representative signature. If the entitlement percentage is not provided, Service Provider will pay the Claimant 100% of the account value.

Submitting the Form

For more information about available investment options, including fees and expenses, you may obtain applicable prospectuses and/or disclosure documents from your representative. Read them carefully before investing.

Once Claimant has completed the Form, forward it to the address indicated on the last page of the Form in the Required Signatures and Date section.

Important Note

Although every effort is made to keep the information in this Guide current, it is subject to change without notice. Federal, state, and local tax laws may be revised, and new plan provisions may be adopted by the Plan. For the most up to date version of this Guide, please visit the Web site at www.treasury.state.tn.us/dc or call KeyTalk® at 1-800-922-7772.

Access to KeyTalk® or the Web site may be limited or unavailable during periods of peak demand, market volatility, systems upgrades, maintenance or for other reasons.

This Special Tax Notice Applies to Distributions from Section 401(a) Plans

This notice contains important information you will need before you decide how to receive Plan benefits. It explains when and how you can continue to defer federal income tax on your retirement savings when you receive a distribution.

This notice is provided to you because all or part of the payment that you will soon receive from one or more plans in which you participate may be eligible for rollover by you or your Plan Administrator to a Traditional IRA and effective January 1, 2008, to a Roth IRA, or to an eligible employer plan. A "rollover" is a payment by you or the Plan Administrator of all or part of your benefit to another eligible employer plan or IRA. A rollover to an eligible employer plan or Traditional IRA allows you to continue to postpone taxation of that benefit until it is paid to you. A rollover to a Roth IRA results in current income inclusion, but those amounts are then subject to the special Roth IRA rules regarding taxation upon later distribution. An "eligible employer plan" includes a plan qualified under section 401(a) of the Internal Revenue Code, including a 401(k) plan, profit-sharing plan, defined benefit plan, stock bonus plan, and money purchase plan; a section 403(a) annuity plan; a section 403(b) tax-sheltered annuity, and an eligible section 457(b) plan maintained by a governmental employer (governmental 457 plan). Before January 1, 2008, your payment(s) cannot be rolled over to a Roth IRA (except as described under the section entitled "Special Rules for Designated Roth Contributions to 401(k) and 403(b) Accounts" below), and no rollovers to a SIMPLE IRA, or a Coverdell Education Savings Account (formerly known as an education IRA) are allowed. There are some special considerations before you elect to roll over your Plan benefit. First, an eligible employer plan is not legally required to accept a rollover. Before you decide to roll over your payment to another employer plan, you should find out whether the plan accepts rollovers and, if so, the types of distributions it accepts as a rollover. Even if a plan accepts rollovers, it might not accept rollovers of certain types of distributions, such as after-tax amounts. If this is the case, and your distribution includes after-tax amounts, you may want to roll your distribution over to an IRA instead or split your rollover amount between the eligible employer plan in which you will participate and an IRA. Second, you should find out about any documents that are required to be completed before the receiving plan will accept a rollover. Finally, you should find out what limits the receiving plan will put on later distributions of your rollover account. For example, the receiving plan may restrict subsequent distributions of the rollover amount or may require your spouse's consent for any subsequent distribution. A subsequent distribution from the plan that accepts your rollover may also be subject to different tax treatment than distributions from this Plan. Check with the administrator of the plan that is to receive your rollover prior to making the rollover. You may also want to talk to your tax advisor before making any decisions.

If you have additional questions after reading this notice, you can contact your Plan Administrator.

1. General Summary

There are two ways in which you may be able to receive a Plan payment that is eligible for rollover:

(1) Certain payments can be made directly to a Traditional IRA and effective January 1, 2008, to a Roth IRA that you establish or to an eligible employer plan that will accept it and hold it for your benefit ("DIRECT ROLLOVER"); or

(2) The payment can be PAID TO YOU.

If you choose a DIRECT ROLLOVER:

- Unless your rollover is being made to a Roth IRA, your payment will not be taxed in the current year and no income tax will be withheld.
- You choose whether your payment will be made directly to your IRA, including a Roth IRA effective January 1, 2008, or to an eligible employer plan that accepts your rollover. Your payment cannot be rolled over to a SIMPLE IRA or a Coverdell Education Savings Account.
- The taxable portion of your payment will be taxed later when you take it out of the Traditional IRA or the eligible employer plan. Special tax rules apply to later distributions from a Roth IRA. Depending on the type of plan or IRA, the later distribution may be subject to different tax treatment than it would be if you received a taxable distribution from this Plan.

If you choose to have a Plan payment that is eligible for rollover PAID TO YOU:

- You will receive only 80% of the taxable amount of the payment, because the Plan Administrator is required to withhold 20% of that amount and send it to the IRS as income tax withholding to be credited against your taxes.
- The taxable amount of your payment will be taxed in the current year unless you roll it over. In the case of a rollover to a Roth IRA the amount of your distribution is currently taxable, although special rules may allow you to spread the income inclusion over more than one year.
- Under limited circumstances, you may be able to use special tax rules that could reduce the tax you owe. However, if you receive the payment before age 59 1/2, you may have to pay an additional 10% tax.
- You can roll over all or part of the payment by paying it to your Traditional IRA or to an eligible employer plan that accepts your rollover within 60 days after you receive the payment. The amount rolled over will not be taxed until you take it out of the Traditional IRA or the eligible employer plan.
- If you want to roll over 100% of the payment to a Traditional IRA or an eligible employer plan, you must find other money to replace the 20% of the taxable portion that was withheld. If you roll over only the 80% that you received, you will be taxed on the 20% that was withheld and that is not rolled over.
- If your distribution includes designated Roth 401(k) or 403(b) contributions, special rules apply, which are described under the section entitled "Special Rules for Designated Roth Contributions to 401(k) and 403(b) Accounts" below.

Your Right To Waive the 30-Day Notice Period.

Generally, neither a direct rollover nor a payment can be made from the Plan until at least 30 days after your receipt of this notice. Thus, after receiving this notice, you have at least 30 days to consider whether or not to have your distribution directly rolled over. If you do not wish to wait until this 30-day notice period ends before your election is processed, you may waive the notice period by making an affirmative election indicating whether or not you wish to make a DIRECT ROLLOVER. Your distribution will then be processed in accordance with your election as soon as practical after the Plan Administrator receives it.

2. Payments That Can and Cannot Be Rolled Over

Payments from the Plan may be "eligible rollover distributions." This means that they can be rolled over to a Traditional IRA or to an eligible employer plan that accepts rollovers. Effective January 1, 2008, eligible rollover distributions can also be rolled over to a Roth IRA. Eligible rollover distributions cannot be rolled over to a SIMPLE IRA or a Coverdell Education Savings Account. Your Plan Administrator should be able to tell you what portion of your payment is an eligible rollover distribution.

After-tax Contributions (other than designated Roth contributions to a 401(k) or 403(b) account)

If you made after-tax contributions to the Plan, these contributions may be rolled into either a Traditional IRA, or beginning January 1, 2008, a Roth IRA, or to eligible employer plans that accept rollovers of the after-tax contributions. The following rules apply:

a. Rollover into a Traditional IRA or Roth IRA. You can roll over your after-tax contributions to a Traditional IRA either directly or indirectly. Your Plan Administrator should be able to tell you how much of your payment is the taxable portion and how much is the after-tax portion. Beginning January 1, 2008, you are also able to roll over these after-tax amounts into a Roth IRA.

If you roll over after-tax contributions to a Traditional IRA, it is your responsibility to keep track of, and report to the IRS on the applicable forms, the amount of these after-tax contributions. This will enable the non-taxable amount of any future distributions from the Traditional IRA to be determined.

Once you roll over your after-tax contributions to an IRA, those amounts CANNOT later be rolled over to an employer plan. Also, you cannot first roll over after-tax contributions to a Traditional IRA and then roll over that amount into an employer plan.

b. Rollover into an Employer Plan. You can roll over after-tax contributions from an employer plan that is qualified under Code section 401(a) or a section 403(a) annuity plan to another such plan or 403(b) tax-sheltered annuity using a DIRECT ROLLOVER only if the other plan or annuity provides separate accounting for amounts rolled over, including separate accounting for the after-tax employee contributions and earnings on those contributions. You can also roll over after-tax contributions from a section 403(b) tax-sheltered annuity to another section 403(b) tax-sheltered annuity, 401(a), or 403(a) plan using a DIRECT ROLLOVER if the other tax-sheltered annuity or plan provides separate accounting for amounts rolled over, including separate accounting for the after-tax employee contributions and earnings on those contributions. You CANNOT roll over after-tax contributions to a governmental 457 plan. If you want to roll over your after-tax contributions to an employer plan that accepts these rollovers, you cannot have the after-tax contributions paid to you first. You must instruct the Plan Administrator of this Plan to make a DIRECT ROLLOVER on your behalf.

The following types of payments cannot be rolled over:

Payments Spread over Long Periods. You cannot roll over a payment if it is part of a series of equal (or almost equal) installment payments that are made at least once a year and that will last for:

- Your lifetime (or a period measured by your life expectancy), or
- Your lifetime and your beneficiary's lifetime (or a period measured by your joint life expectancies), or
- A period of 10 or more years.

Required Minimum Payments. Beginning when you reach age 70 1/2 or retire, whichever is later, a certain portion of your payment cannot be rolled over because it is a "required minimum payment" that must be paid to you. Special rules apply if you own more than 5% of your employer.

Hardship Distributions. A hardship distribution cannot be rolled over.

Corrective Distributions. A distribution that is made to correct a failed nondiscrimination test or because legal limits on certain contributions were exceeded and cannot be rolled over.

Loans Treated as Distributions. The amount of a plan loan that becomes a taxable deemed distribution because of a default cannot be rolled over. However, a loan-offset amount is eligible for rollover, as discussed in Number 4 below. Ask the Plan Administrator of this Plan if distribution of your loan qualifies for rollover treatment.

The Plan Administrator of this Plan should be able to tell you if your payment includes amounts which cannot be rolled over.

3. Direct Rollover

A DIRECT ROLLOVER is a direct payment of the amount of your Plan benefits to a Traditional IRA, and effective January 1, 2008 to a Roth IRA, or an eligible employer plan that will accept it. You can choose a DIRECT ROLLOVER of all or any portion of your payment that is an eligible rollover distribution, as described in Number 2 above. You are not taxed on any taxable portion of your payment for which you choose a DIRECT ROLLOVER, other than a rollover to a Roth IRA, until you later take it out of the Traditional IRA or eligible employer plan. You will be taxed on a direct rollover to a Roth IRA. In addition, no income tax withholding is required for any taxable portion of your Plan benefits for which you choose a DIRECT ROLLOVER to a Traditional IRA or an eligible employer plan. A DIRECT ROLLOVER to a Roth IRA is included in income at the time of the rollover and may be subject to income tax withholding. There are some special rules that allow the rollover amounts to be included in income over more than one year, and your tax advisor can explain those in greater detail.

This Plan might not let you choose a DIRECT ROLLOVER if your distributions for the year are less than $200. If a portion of your payment is from a designated Roth 401(k) or 403(b) account (as described under the section entitled "Special Rules for Designated Roth Contributions to 401(k) and 403(b) Accounts" below), the Plan may treat the Roth account portion of your payment as a separate distribution for purposes of the $200 rule to determine amounts that are not rollover eligible.

Other special rules apply if your distribution includes designated Roth contributions in a 401(k) or 403(b) plan. Refer to "Special Rules for Designated Roth Contributions to 401(k) and 403(b) Accounts" below for a discussion of the tax rules that apply to such accumulations.

Direct Rollover to a Traditional or Roth IRA

You can establish an IRA to receive the DIRECT ROLLOVER. If you choose to have your payment made directly to an IRA, contact an IRA sponsor (usually a financial institution) to find out how to have your payment made in a DIRECT ROLLOVER to an IRA at that institution. If you are unsure of how to invest your money, you can temporarily establish an IRA to receive the payment. However, in choosing an IRA, you may wish to make sure that the IRA you choose will allow you to move all or a part of your payment to another IRA at a later date, without penalties or other limitations. Please remember that rollovers to Roth IRAs will be allowed only after December 31, 2007. See IRS Publication 590, Individual Retirement Arrangements, for more information on Traditional IRAs (including limits on how often you can roll over between IRAs).

Direct Rollover to a Plan

If you are employed by a new employer that sponsors an eligible employer plan, and you want a DIRECT ROLLOVER to that plan, ask the Plan Administrator of that plan whether it will accept your rollover. An eligible employer plan is not legally required to accept a rollover. Even if your new employer's plan does not accept a rollover, you still can choose a DIRECT ROLLOVER to a Traditional IRA. If the employer plan accepts your rollover, the plan may provide restrictions on the circumstances under which you may later receive a distribution of the rollover amount or may require spousal consent to any subsequent distribution. Check with the Plan Administrator of that plan before making your decision.

Direct Rollover of a Series of Payments

If you receive a payment that can be rolled over to a Traditional IRA or an eligible employer plan that will accept it, and it is paid in a series of payments for fewer than 10 years, your choice to make or not make a DIRECT ROLLOVER for a payment will apply to all later payments in the series until you change your election. You are free to change your election for any later payment in the series.

Change in Tax Treatment Resulting from a Direct Rollover

The tax treatment of any payment from the eligible employer plan or Traditional IRA receiving your DIRECT ROLLOVER might be different than if you received your benefit in a taxable distribution directly from the Plan. For example, if you were born before January 1, 1936, you might be entitled to ten-year averaging or capital gain treatment, as explained below. However, if you have your benefit rolled over to a section 403(b) tax-sheltered annuity, a governmental 457 plan, or a DIRECT ROLLOVER to a Traditional IRA, your benefit will no longer be eligible for that special treatment. See the sections below entitled "Additional 10% Tax if You Are under Age 59 1/2" and "Special Tax Treatment if You Were Born before January 1, 1936."

4. Payment Paid to You

If your payment can be rolled over (see Number 2 above) and the payment is made to you in cash, it is subject to 20% federal income tax withholding on the taxable portion (state tax withholding may also apply). The payment is taxed in the year you receive it unless, within 60 days, you roll it over to a Traditional IRA or effective January 1, 2008, to a Roth IRA or an eligible employer plan that accepts rollovers. If you do not roll it over, special tax rules may apply.

Special rules apply if your distribution includes designated Roth contributions in a 401(k) or 403(b) plan. Refer to the section entitled "Special Rules for Designated Roth Contributions to 401(k) and 403(b) Accounts" below for a discussion of the tax rules that apply to such accumulations.

Income Tax Withholding

Mandatory Withholding. If any portion of your payment can be rolled over under Number 2 above, and you do not elect to make a DIRECT ROLLOVER, the plan is required by law to withhold 20% of the taxable amount. This amount is sent to the IRS as federal income tax withholding. For example, if you can roll over a taxable payment of $10,000 but choose to take the distribution in cash instead, only $8,000 will be paid to you because the plan must withhold $2,000 as income tax. However, when you prepare your income tax return for the year, unless you make a rollover within 60 days (see "Sixty-Day Rollover Option" below), you must report the full $10,000 as a taxable payment from the plan. You must report the $2,000 as tax withheld, and it will be credited against any income tax you owe for the year. If a portion of your payment is from designated Roth contributions in a 401(k) or 403(b) account (as described under "Special Rules for Designated Roth Contributions to 401(k) and 403(b) Accounts" below), the Plan may treat the Roth account portion of your payment as a separate distribution when applying this $200 threshold. Furthermore, the portion of the distribution that is from a Roth account that is distributed to you on a tax-free basis will not be included in the amount of the distribution subject to withholding.

Voluntary Withholding. If any portion of your payment is taxable but cannot be rolled over under Number 2 above, the mandatory withholding rules described above do not apply. In this case, you may elect not to have withholding apply to that portion. If you do nothing, 10% of the taxable amount will generally be taken out of this portion of your payment for federal income tax withholding. To elect out of withholding, ask the Plan Administrator for the election form and related information.

Sixty-Day Rollover Option. If you receive a payment that can be rolled over under Number 2 above, you can still decide to roll over all or part of it to a Traditional IRA, or a Roth IRA effective January 1, 2008, or to an eligible employer plan that accepts rollovers. If you decide to roll over your payment, you must contribute the amount of the payment you received to an IRA (as described above) or eligible employer plan within 60 days after you receive the payment. The portion of your payment that is rolled over will not be taxed until you take it out of the Traditional IRA or the eligible employer plan.

You can roll over up to 100% of your payment that can be rolled over under Number 2 above, including an amount equal to the 20% of the taxable portion that was withheld. If you choose to roll over 100%, you must find other money within the 60-day period to contribute to the Traditional IRA or the eligible employer plan, to replace the 20% that was withheld. On the other hand, if you roll over only the 80% of the taxable portion that you received, you will be taxed on the 20% that was withheld.

Example: The taxable portion of your payment that can be rolled over under Number 2 above is $10,000, and you choose to have it paid to you. You will receive $8,000, and $2,000 will be sent to the IRS as income tax withholding. Within 60 days after receiving the $8,000, you may roll over the entire $10,000 to a Traditional IRA or an eligible employer plan. To do this, you roll over the $8,000 you received from the Plan, and you will have to find $2,000 from other sources (your savings, a loan, etc.). In this case, the entire $10,000 is not taxed until you take it out of the Traditional IRA or an eligible employer plan. If you roll over the entire $10,000, when you file your income tax return you may get a refund of part or all of the $2,000 withheld.

If, on the other hand, you roll over only $8,000, the $2,000 you did not roll over is taxed in the year it was withheld. When you file your income tax return, you may get a refund of part of the $2,000 withheld. (However, any refund is likely to be larger if you roll over the entire $10,000. Also, the amount of any tax refund depends on the total income taxes you owe for the year on all income and the amount you have withheld during the year on all income.)

Special rules apply if your distribution includes designated Roth contributions to a 401(k) or 403(b) plan. Refer to the section entitled "Special Rules for Designated Roth Contributions to 401(k) and 403(b) Accounts" below for a discussion of the tax rules that apply to such accumulations.

Additional 10% Tax If You Are under Age 59 1/2. If you receive a payment before you reach age 59 1/2 and you do not roll it over, then, in addition to the regular income tax, you may have to pay an extra tax equal to 10% of the taxable portion of the payment. The additional 10% tax generally does not apply to (1) payments that are paid after you separate from service with your employer during or after the year you reach age 55, (2) payments that are paid because you retire due to disability, (3) payments that are paid as equal (or almost equal) payments over your life or life expectancy (or your and your beneficiary's lives or life expectancies), (4) dividends paid with respect to stock by an employee stock ownership plan (ESOP) as described in Code section 404(k), (5) payments that are paid directly to the government to satisfy a federal tax levy, (6) payments that are paid to an alternate payee under a qualified domestic relations order (or state domestic relations order generally applicable to governmental or church plans), (7) payments that do not exceed the amount of your deductible medical expenses, (8) certain payments that are paid while you are on active military duty from September 11, 2001 to December 31, 2007, provided you were called to duty for more than 179 days, and (9) certain payments that are paid to you from a governmental defined benefit plan, provided you are a public safety employee and are at least age 50. See IRS Form 5329 for more information on the additional 10% tax.

Special Tax Treatment If You Were Born before January 1, 1936. If you receive a payment from a plan qualified under section 401(a) or a section 403(a) annuity plan that can be rolled over under Number 2 and you do not roll it over to a Traditional IRA or an eligible employer plan, the payment will be taxed in the year you receive it. However, if the payment qualifies as a "lump-sum distribution," it may be eligible for special tax treatment. A lump-sum distribution is a payment, within one year, of your entire balance under the Plan (and certain other similar plans of the employer) that is payable to you after you have reached age 59 1/2 or because you have separated from service with your employer (or, in the case of a self-employed individual, after you have reached age 59 1/2 or have become disabled). For a payment to be treated as a lump-sum distribution, you must have been a participant in the plan for at least five years before the year in which you received the distribution. The special tax treatment for lump-sum distributions that may be available to you is described below.

- **Ten-Year Averaging.** If you receive a lump-sum distribution and you were born before January 1, 1936, you can make a one-time election to calculate the tax on the payment by using "10-year averaging" (using 1986 tax rates). Ten-year averaging often reduces the tax you owe.
- **Capital Gain Treatment.** If you receive a lump-sum distribution and you were born before January 1, 1936, and you were a participant in the Plan before 1974, you may elect to have the part of your payment that is attributable to your pre-1974 participation in the Plan taxed as long-term capital gain at a rate of 20%.
- There are other limits on the special tax treatment for lump-sum distributions. For example, you can generally elect this special tax treatment only once in your lifetime, and the election applies to all lump-sum distributions that you receive in that same year. You may not elect this special tax treatment if you rolled amounts into this Plan from a 403(b) tax-sheltered annuity contract, governmental 457 plan, or from an IRA not originally attributable to a qualified employer plan. If you have previously rolled over a distribution from this plan (or certain other similar plans of the employer), you cannot use this special averaging treatment for later payments from the plan. If you roll over your payment to a Traditional IRA, governmental 457 plan, or 403(b) tax-sheltered annuity, you will not be able to use special tax treatment for later payments from that IRA, plan, or annuity. Also, if you roll over only a portion of your payment to a Traditional IRA, governmental 457 plan, or 403(b) tax-sheltered annuity, this special tax treatment is not available for the rest of the payment. See IRS Form 4972 for additional information on lump-sum distributions and how you elect the special tax treatment.

Repayment of Plan Loans. If your employment ends and you have an outstanding loan from your Plan, your employer may reduce (or "offset") your balance in the Plan by the amount of the loan you have not repaid. The amount of your loan offset is treated as a distribution to you at the time of the offset and will be taxed unless you roll over an amount equal to the amount of your loan offset to another qualified employer plan or a Traditional IRA within 60 days of the date of the offset. If the amount of your loan offset is the only amount you receive or are treated as having received, no amount will be withheld from it. If you receive other payments of cash or property from the Plan, the 20% withholding amount will be based on the entire amount paid to you, including the amount of the loan offset. The amount withheld will be limited to the amount of other cash or property paid to you. The amount of a defaulted plan loan that is a taxable deemed distribution cannot be rolled over.

5. Surviving Spouses, Alternate Payees, and Other Beneficiaries

In general, the rules summarized above that apply to payments to employees also apply to payments to surviving spouses of employees and to spouses or former spouses who are "alternate payees." You are an alternate payee if your interest in the Plan results from a "qualified domestic relations order" (or a state domestic relations order applicable to certain governmental or church plans), which is an order issued by a court, usually in connection with a divorce or legal separation.

If you are a **surviving spouse or an alternate payee**, you may choose to have a payment that can be rolled over, as described in Number 2 above, paid in a DIRECT ROLLOVER to a Traditional IRA or to an eligible employer plan or paid to you. If you have the payment paid to you, you can keep it or roll it over yourself to a Traditional IRA or to an eligible employer plan. Thus, you have the same choices as the employee.

If you are a **beneficiary other than a surviving spouse or an alternate payee**, the Plan may permit you to choose to have a payment that can be directly rolled over to an Inherited IRA, as described in Part 1 above, or to have the benefit paid to you. You may not roll over the payment that is made directly to you, nor may you choose to roll over the payment to an eligible employer plan. The IRA accepting the transfer is treated like a non-spouse Inherited IRA, under which benefits must be distributed in accordance with the required minimum distribution rules. In general, distributions from the Inherited IRA must either be paid to you in full within 5 years of the deceased participant's death or must commence within 12 months of the participant's death and be paid over your life expectancy. The benefits cannot be rolled over from the Inherited IRA to any other IRA or employer plan.

Unlike surviving spouses and alternate payees, non-spouse beneficiaries do not have the same choices as the employee. Because of this difference, the mandatory withholding rules described in Number 4 above that typically apply to payments that are not rolled over, do not apply to payments made to non-spouse designated beneficiaries.

If you are a surviving spouse, an alternate payee, or another beneficiary, your payment is generally not subject to the additional 10% tax described in Number 4 above, even if you are younger than age 59 1/2.

If you are a surviving spouse, an alternate payee, or another beneficiary, you may be able to use the special tax treatment for lump-sum distributions and the special rule for payments, as described in Number 4 above. If you receive a payment because of the employee's death, you may be able to treat the payment as a lump-sum distribution if the employee met the appropriate age requirements, whether or not the employee had 5 years of participation in the Plan.

- Special rules apply if your distribution includes designated Roth contributions to a 401(k) or 403(b) plan. Refer to the section entitled "Special Rules for Designated Roth Contributions to 401(k) and 403(b) Accounts" below for a discussion of the tax rules that apply to such accumulations.

Special Rules for Designated Roth Contributions to 401(k) and 403(b) Accounts

Direct Rollover to a Roth IRA

Designated Roth contributions to 401(k) and 403(b) plans and the earnings attributable to them can be rolled over to a Roth IRA. However, once rolled to a Roth IRA, you CANNOT subsequently roll your designated Roth contributions to an employer plan, even if the plan accepts designated Roth contributions.

In the case of a rollover from a designated Roth account in a 401(k) or 403(b) plan to a Roth IRA, the period that the rolled-over funds were in the designated Roth 401(k) or 403(b) account does not count towards the 5-year period for determining qualified distributions from the Roth IRA. However, if you established a Roth IRA in a prior year, the 5-year period for determining qualified distributions from a Roth IRA that began as a result of your earlier Roth IRA contribution applies to any distributions from the Roth IRA (including a distribution of an amount attributable to a rollover contribution from a designated Roth contribution account).

Direct Rollover to Another Employer Plan

Designated Roth contributions in a 401(k) and 403(b) plan and the earnings attributable to them can be rolled over to another Roth 401(k) or 403(b) plan that accepts direct rollovers of designated Roth contributions. Your period of participation under the distributing plan is carried over to the recipient plan for purposes of determining whether you satisfy the 5-year requirement for determining qualified distributions under the recipient plan.

"Qualified Distributions"

If you have made designated Roth contributions to the Plan, the amounts (both contributions and earnings) held in your designated Roth contribution account may be distributed tax-free if it is a "qualified distribution". A "qualified distribution" is a distribution that is made after at least five years have elapsed from the start of the year during which you made your first Roth contribution to the Plan and is distributed:

(i) after you attain age 59 1/2;

(ii) to your beneficiary after your death; or

(iii) on account of your disability.

If the distribution is not a qualified distribution, you will be taxed on any earnings in your Roth contribution account. Because your designated Roth contributions to the Plan were made on an after-tax basis, you will receive a tax-free return of your designated Roth contributions.

However, distributions of the following amounts are never qualified distributions, are not eligible for rollover, and the earnings are includible in taxable income:

- Corrective distributions (as discussed under Number 2 above).
- Taxable deemed distributions of participant loan defaults (as discussed under Number 2 above).

A lump-sum designated Roth "qualified distribution" of employer stock or securities is tax-free, and the stock or securities take a fair market value adjusted basis. In the case of a lump-sum designated Roth "nonqualified distribution," the ordinary rules explained under Number 4 above would apply to the investment earnings.

Sixty-Day Rollover Option

If you receive a distribution from a designated Roth 401(k) or 403(b) account, you may roll over the entire amount (or any portion thereof) into a Roth IRA within 60 days of receipt. If only a portion of the distribution is rolled over, the portion that is rolled over is treated as consisting first of the amount of the distribution that would otherwise be taxable income.

Alternatively, you may roll over the otherwise taxable portion of the distribution to a designated Roth 401(k) or 403(b) plan within 60 days of receipt. In addition, your period of participation under the distributing plan is not carried over to the recipient plan for purposes of determining whether you satisfy the 5-year requirement under the recipient plan.

Example: An employee receives a $14,000 eligible rollover distribution that is not a qualified distribution from his designated Roth account, consisting of $11,000 of designated Roth contributions and $3,000 of taxable earnings. Within 60 days of receipt, the employee rolls over $7,000 of the distribution into a Roth IRA. The $7,000 is deemed to consist of $3,000 of earnings and $4,000 of after-tax contributions. Because the only portion of the distribution that could be includible in taxable income (the earnings) is rolled over, none of the distribution is includible in the employee’s taxable income in the year of distribution.

Basis Recovery Rules for Roth Payments that are Not "Qualified Distributions"

If you receive a partial distribution that is not a qualified distribution (i.e., one that does not meet the "qualified distribution" definition above) from your designated Roth account in the Plan, the portion of the distribution attributable to your after-tax designated Roth contributions will be tax-free. The non-taxable portion is determined by multiplying the amount of your distribution by the ratio of your cumulative designated Roth contributions divided by your designated Roth account balance.

Example: If a distribution that is not a qualified distribution of $5,000 is made from an employee’s designated Roth account when the account consists of $9,400 of designated Roth contributions and $600 of earnings, the distribution consists of $4,700 of after-tax designated Roth contributions and $300 of taxable earnings.

How to Obtain Additional Information

The rules described above are complex and contain many conditions and exceptions that are not included in this notice. Therefore, you may want to consult with the Plan Administrator or a professional tax advisor before you take a payment of your benefits from your Plan. Also, you can find more specific information on the tax treatment of payments from qualified employer plans in IRS Publication 575, Pension and Annuity Income, and IRS Publication 590, Individual Retirement Arrangements. These publications are available from your local IRS office, on the IRS’s Internet Web Site at www.irs.gov, or by calling 1-800-TAX-FORMS.

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